

Response / Action / #8
J 7.25 or
PATENT



DOCKET NO.: TJU-2444

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Scott Waldman

Serial No.: 09/724,983

Group Art Unit: 1642

Filed: November 28, 2000

Examiner: Stephen L. Rawlings

For: **ST RECEPTOR BINDING COMPOUNDS AND METHODS OF USING
THE SAME**

EXPRESS MAIL LABEL NO: EL531172945US
DATE OF DEPOSIT: June 26, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

REPLY

This reply is being filed in response to the Official Action dated March 27, 2002 for the above-identified patent application. The period to respond is extended by petition and payment of the appropriate fee provided herewith.

This reply is being filed in response to the Official Action dated March 27, 2002 for the above-identified patent application.

Claims 22-49 are pending in the application.

Claims 2-21 were canceled by way of the preliminary amendment with the Application transmittal letter filed with the application as filed November 28, 2000 prior to calculation of the filing fee.

Claim 1 was canceled and new claims 22-49 were added by way of the preliminary amendment filed with the application as filed November 28, 2000.

The claims have been made subject of a requirement for restriction. It appears from the Official Action that the Examiner and/or Patent Office has overlooked Applicant's cancellation of claims 2-21. Accordingly, the Official Action indicates that claims 2-49 are pending an subject to restriction.

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PATENT APPLICATION

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FILED: NOVEMBER 28, 2000

Applicant's response assumes the cancellation of claims 2-21 by way of the preliminary amendment with the Application transmittal letter filed with the application as filed November 28, 2000 prior to calculation of the filing fee will be entered and the PTO file will reflect that claims 22-49 are pending. Alternatively, Applicants respectfully request that claims 2-21 be canceled without prejudice at this time.

Restriction is required from Groups I-VI.

Applicant elects Group V, claims 23 in part, 27, 28, 30, 31, 32 and 36 drawn to a method of treating an individual with an antibody.

Applicants request that the remaining subject matter be withdraw from consideration and expressly reserve such subject matter for filing in a divisional application.

The claims are in condition for allowance. An early Office Action to that effect is, therefore, earnestly solicited.

Respectfully submitted,



Mark DeLuca
Registration No. 33,229

Date: June 26, 2002

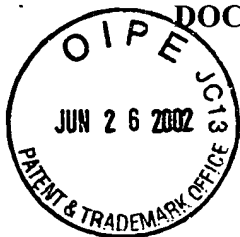
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~~Q. 1642~~

PATENT

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



For: ST RECEPTOR BINDINGS AND METHODS OF USING THE SAME

DATE OF DEPOSIT: June 26, 2002

EL531172945US

□ AF

Sir:

REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ A Reply Responsive to the Office Action Dated March 27, 2002.
- ☐ An Amendment Supplemental to the Paper filed _____
- ☐ Other: _____

- ☒ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
- ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- ☐ Substitute Pages _____ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ _____ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: _____
_____ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: _____.
- ☐ Other Material as follows: _____.

FEE CALCULATION

☐ No Additional Fee is Due.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	28	28 (20 MINIMUM)	0	\$9 EACH	\$0	\$18 EACH	\$
INDEP. CLAIMS	3	3 (3 MINIMUM)	0	\$42 EACH	\$0	\$84 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$0	\$280	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$0	\$110	\$
<input checked="" type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$200	\$200	\$400	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$460	\$0	\$920	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$720	\$0	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$980	\$0	\$1960	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ 0)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$0	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$200		

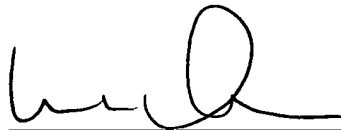
- ☒ A Check is Enclosed in the Foregoing Amount Due.
- ☒ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of **March 27, 2002** to and through **June 27, 2002** comprising an extension of the shortened statutory period of **2 month(s)**.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is

further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: June 26, 2002



Mark DeLuca
Registration No. 33,229

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